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4 JAMES O'SHEA,
5 Plaintiff,
6 v.
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8 GEORGE MIRAM,
9 Defendant.
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12 Case No. [23-cv-01536-TLT](#)
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15 **ORDER OF DISMISSAL**
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18 Plaintiff, a prisoner at the Maguire Correctional Facility in San Mateo County proceeding
19 *pro se*, filed a civil rights complaint under 42 U.S.C. § 1983. ECF 1. That same day, the Clerk of
20 the Court informed plaintiff that this action was deficient because plaintiff had not paid the filing
21 fee or filed an application to proceed *in forma pauperis*. ECF 3. Plaintiff was instructed to
22 respond within twenty-eight days of the date of the order. *Id.* The deadline has passed, and
23 plaintiff has neither paid the filing fee nor filed an application to proceed *in forma pauperis*. The
24 Court therefore DISMISSES this action without prejudice. Because this dismissal is without
25 prejudice, plaintiff may move to reopen the action. Any such motion must be accompanied by
26 either the filing fee or an *in forma pauperis* application on the proper form with the required
27 supporting documents. The Clerk shall enter judgment in favor of defendant and close the file.
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IT IS SO ORDERED.

Dated: July 11, 2023


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26 TRINA L. THOMPSON
27 United States District Judge
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